



11-22-04

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Docket No. 58418 CIP (48497)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: Stender, H.

Examiner: Not Yet Assigned

Serial No. 10/821,805

Group: 1634

Filed: April 8, 2004

Conf. No. 9064

For: "Peptide Nucleic Acid Probes For Analysis Of Pseudomonas (Sensu Stricto)"

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited as Express Mail Label No. EV437821645US in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 18, 2004.

By: Karen Brown
Karen Brown

Sir or Madam:

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. §§1.97 and 1.98, applicants hereby submit an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications or other information submitted for consideration by the Office are listed on PTO-1449, attached hereto.

II. COPIES

a. X Submitted herewith is a legible copy of (i) each foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.

b. ☐ Copies of references submitted in parent application, to which priority is claimed under 35 USC § 120.

III. CONCISE EXPLANATION OF THE RELEVANCE
(check at least one box)

a. ☒ Except as may be indicated below in (b), all of the patents, publications or other information are in the English language or were cited in an English language Search Report, a copy of which is attached hereto (concise explanation not required).

b. ☐ A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:

c. ☐ The following additional information is provided for the Examiner's consideration:

FEES

IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b)
(check one box)

a. ☐ within three months of the filing date of a national application (37 C.F.R. § 1.97(b) (1)). No fee or certification is required.

b. ☐ within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b) (2)). No fee or certification is required.

c. ☒ before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b) (3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below, or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

V. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):
(check one box)

☐ before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c) (1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c) (2)).

a. ☐ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

or

b. ☐ See the certification below. No fee is required.

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e)
(check only one box)

The undersigned hereby certifies that

a. ☐ each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or

b. ☐ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

c. ☐ Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

VII. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(d)

☐ after the mailing date of a Final Rejection or Notice of Allowance but before the payment of the Issue Fee, and the requisite Certification, petition, and petition fee are included herein.

a. ☐ after the mailing date of a Final Office Action under 37 C.F.R. § 1.113

b. ☐ see certificate above

c. ___ a fee in the amount of \$180.00 is required by 37 CFR §1.17(p)

d. ___ applicant hereby petitions that this Information Disclosure Statement is considered in accordance with 37 C.F.R. §1.97(d).

___ Enclosed is a check in the amount of \$180.00 for the above-indicated fee. Should any further fee be associated with the submission of this Information Disclosure Statement, the Commissioner is authorized to charge our Deposit Account No. 04-1105.

X No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition, if necessary) and charge the appropriate fee to Deposit Account No. 04-1105.

Respectfully submitted,

Date: November 18, 2004

Customer No.: 21874



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FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT	DOCKET NO:	SERIAL NO.:
	48497-58418 CIP	10/821,805
	APPLICANT(S): Stender, H.	
	FILING DATE:	GROUP NO.:
	April 8, 2004	1634



UNITED STATES PATENT DOCUMENTS

EXAM. INITIALS		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	5,527,675	June 18, 1996	Coull et al.	435	6	Aug. 20, 1993
	AB	5,539,082	July 23, 1996	Nielsen et al.	530	300	April 26, 1993
	AC	5,623,049	April 22, 1997	Lobberding et al.	530	300	Sep. 6, 1994
	AD	5,714,331	Feb. 3, 1998	Buchardt et al.	435	6	Jul. 24, 1996
	AE	5,736,336	April 7, 1998	Buchardt et al.	435	6	May 1, 1997
	AF	5,773,571	June 30, 1998	Nielsen et al.	530	300	Feb. 1, 1996
	AG	5,786,461	July 28, 1998	Buchardt et al.	536	18.7	May 1, 1997
	AH	5,837,459	Nov. 17, 1998	Berg et al.	435	6	May 24, 1996
	AI	5,891,625	April 6, 1999	Buchardt et al.	435	6	June 7, 1993
	AJ	5,972,610	Oct. 26, 1999	Buchardt et al.	435	6	Oct. 8, 1997
	AK	5,986,053	Oct. 26, 1999	Buchardt et al.	435	6	Oct. 8, 1997
	AL	6,107,470	Aug. 22, 2000	Nielsen et al.	536	23.1	Jan. 4, 1999
	AM	6,110, 676	Aug. 29, 2000	Coull et al.	435	6	Nov. 3, 1997
	AN	6,355,421	Mar. 12, 2002	Coull et al.	435	6	Oct. 27, 1998
	AO	6,357,163	Mar. 19, 2002	Buchardt et al.	43	6	May 22, 1992
	AP	6,361,942,	Mar. 26, 2002	Coull et al.	435	6	Mar. 24, 1999
	AQ	6,485, 901	Nov. 26, 2002	Gildea et al.	435	5	Oct. 26, 1998
	AR	6,664,045	Dec. 16, 2003	Hyldig-Nielsen et al.	435	6	June 18, 1999

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES/NO
	BA						
	BB						
	BC						
	BD						
	BE						
	BF						

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OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)			
	CA	Altschul et al. Polyamide based nucleic acid analogs- synthesis of d-amino acids with nucleic acid bases bearing side chains. <i>Nucleic Acids Res.</i> 25:3389-3402 (1997)	
	CB	Anzai Y. et al., Phylogenetic affiliation of the pseudomonads based on 16S rRNA sequence. <i>Int. J. Syst. Bacteriol.</i> 50:1563-1589 (2000)	
	CC	Egholm et al. PNA hybridizes to complementary oligonucleotides obeying the Watson-Crick hydrogen-bonding rules. <i>Nature</i> 365:566-568 (1993)	
	CD	Guo et al., Enhanced discrimination of single nucleotide polymorphisms by artificial mismatch hybridization. <i>Nature Biotechnology</i> 15: 331-335 (1997)	
	CE	Kempf et al. Fluorescent In situ hybridization allows rapid identification of microorganisms in blood cultures. <i>J. Clin. Microbiol</i> 38:830-838 (2000)	
	CF	Kerstens K. et al. Recent changes in the classification of the Pseudomonads: an overview. <i>System. Appl. Microbiol.</i> 19:465-477 (1996)	
	CG	O'Keefe et al. Filter-based PNA in situ hybridization for rapid detection, identification and enumeration of specific micro-organisms. <i>J. Appl. Microbiol.</i> 90:180-189 (2001)	
	CH	Oliveira, K et al. Rapid identification of <i>Staphylococcus aureus</i> directly from blood cultures by fluorescence in situ hybridization with peptide nucleic acid probes. <i>J. Clin. Microbiol.</i> 40:247-251 (2002)	
	CI	Pacheco & Sage. Variable recovery of <i>Pseudomonas</i> sp on different <i>Pseudomonas</i> selective media by membrane filtration. Abstract, Annual Meeting of the American Society for Microbiology, Salt Lake City, May 2002) Stender H et al. PNA for rapid microbiology. PNA for rapid microbiology. <i>J Microbiol Methods.</i> 2002 Jan;48(1):1-17	
	CJ	Palleroni N.J. Present situation of the taxonomy of aerobic pseudomonads. Chap 13.	
	CK	Rigby et al. Fluorescence in situ hybridization with peptide nucleic acid probes for rapid identification of <i>Candida albicans</i> directly from blood culture bottles. <i>J. Clin. Microbiol.</i> 40:2182-2186 (2002)	
	CL	Stender, H. et al. Direct detection and identification of <i>Mycobacterium tuberculosis</i> in smear-positive sputum samples by fluorescence in situ hybridization (FISH) using peptide nucleic acid (PNA) probes. <i>Int. J. Tuberc. Lung Dis.</i> 3:830-837 (1999)	
	CM	Stender et al. Fluorescence In situ hybridization assay using peptide nucleic acid probes for differentiation between tuberculous and nontuberculous mycobacterium species in smears of mycobacterium cultures. <i>J. Clin. Microbiol.</i> 37:2760-2765 (1999)	
	CN	Stender et al. Rapid detection, identification, and enumeration of <i>Pseudomonas aeruginosa</i> in bottled water using peptide nucleic acid probes. <i>J. Microbiol. Methods</i> 42:245-253 (2000)	
	CO	Stender et al. Combination of ATP-bioluminescence and PNA probes allows rapid total counts and identification of specific microorganisms in mixed populations. <i>J. Microbiol. Methods</i> 46:69-75 (2001)	
	CP	Stender et al. Rapid detection, identification, and enumeration of <i>Escherichia coli</i> by fluorescence in situ hybridization using an array scanner. <i>J. Microbiol. Methods</i> 45: 31-39 (2001)	

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	CQ	Woese, Bacterial evolution. <i>Microbiol. Rev.</i> 51:221-271 (1987)	
	CR	Wordon et al. In situ hybridization of <i>Prochlorococcus</i> and <i>Synechococcus</i> (marine cyanobacteria) spp. with rRNA-targeted peptide nucleic acid probes. <i>Appl. Environ. Microbiol.</i> 66:284-289 (2000)	
EXAMINER:			DATE:

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